IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 15392 of 2005

Between:

1 Sri B. Bhopal Reddy S/o. Yadi Reddy, Occ: Business,
R/o. Venkateswara Colony, Sagar Road, Karmanghat Village,
Saroornagar Mandal, Ranga Reddy District.
2 Sri B. Narasimha Reddy, S/o. Yadi Reddy, Occ: Business,
R/o. Venkateswara Colony, Sagar Road, Karmanghat Village,
Saroornagar Mandal, Ranga Reddy District.
3 Sri V. Narasimha S/o. Gurulingam, Occ: Business,
R/o.H.No.19-163, Gandhi Nagar, Devarakonda, Nalgonda District.
4 Smt. G. Madhavi, W/o. G. Muralidhar Reddy, Occ: Employee,
R/o.H.No.8-2-3, Ravindra Nagar Colony, Habsiguda, Hyderabad.
5 Sri G. Govardhan Reddy, S/o. S. Srinivas Reddy, Occ: Business,
R/o.H.No.1-3-133, Rajendranagar New Town, Mahaboobnagar District.
6 Sri K. Sridhar S/o. K. Anjaneyulu, Occ: Private Service,
R/o. Plot.No.33, RTC Colony, Hayathnagar, R.R.Dist.

..... PETITIONERS

AND

1 The State of A.P., represented by its Special Chief Secretary to the Revenue Department, Secretariat, Hyderabad.
2 The District Registrar, Stamps and Registration, R.R. District.
3 The Sub-Registrar, Champapet R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction or more particularly one in the nature of writ of mandamus declaring the action of the third respondent in not registering and releasing petitioners sale deeds as per H.O.Ms.No.807, Revenue (Registration-I) Department dt.13-10-2004 as illegal, arbitrary, violation of principles of natural

justice and contrary to G.O.Ms.No.807, dt.13-10-2004 and consequently direct the third respondent to receive and release the sale deeds of the petitioners after due registration of their respective plots by extending the benefit of judgment in W.P.Nos.2414 of 2005, 4836 of 2005 and 6537 of 2005, dt.1.3.2005, 11.3.2005 and 05. 04.2005.

Counsel for the Petitioners: MR.A.MAHESH KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORAL ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

2. This Writ Petition is filed questioning the action of the 3rd respondent-Sub-Registrar, Champapet, Ranga Reddy District, in not registering and releasing the sale deeds of the petitioners as per G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13.10.2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No.807, dated 13.10.2004 and consequently, to direct the 3rd respondent to release the sale deeds of the petitioners after due registration of their respective plots.

3. The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60, situated at Karmanghat village, Saroornagar Mandal, Ranga Reddy District. They paid the requisite registration fee and submitted their sale deeds to the 3rd respondent for registration. But, the 3rd respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751, dated 12.12.2001, wherein it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807, dated 13.10.2004 under sub-section (1) of Section 22-A of the Registration Act, 1908, denotifying the earlier notification issued in G.O.Ms.No.751, dated 12.12.2001 in respect of the lands situated in the said survey numbers.

4. It is the case of the petitioners that in the light of G.O.Ms.No.807, dated 13.10.2001, the objections raised by the 3rd respondent on the basis of G.O.Ms.No.751, dated 12.12.2001, does not exist. The petitioners placed reliance on the judgment of this Court in WP.No.11805 of 2005, dated 7.6.2005, wherein this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said GO.Ms.No.751, dated 12.12.2001. However, this Court made it clear that the order passed in WP.No.11805 of 2005, dated 7.6.2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the registration of the documents, other than on the basis of GO.Ms.No.751, dated 12.12.2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

5. Accordingly, this Writ Petition is also disposed of in terms of the order passed in WP.No.11806 of 2005, dated 7.6.2005 with the following directions:

The 3rd respondent shall release the documents presented by the petitioners for registration without raising any objections on the basis of GO.Ms.No.751, dated 12.12.2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of GO.Ms.No.751, dated 12.12.2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

6. The Writ Petition is disposed of accordingly. No costs.

18.7.2005

SSR

To

1 The Special Chief Secretary to the Revenue
Department, State of A.P., Secretariat, Hyderabad.
2 The District Registrar, Stamps and Registration, R.R. District.
3 The Sub-Registrar, Champapet, R.R.District.

4 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad. (OUT)

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